

OCA FILE

Leg

OCA 2089-89
30 June 1989

MEMORANDUM FOR: Director of Central Intelligence

FROM: Director of Congressional Affairs

SUBJECT: McCurdy Amendment on Access to
Inspector General Reports

1. This memorandum recommends initial steps to oppose enactment of the McCurdy amendment on access to Inspector General reports. Attached at Tab A is a copy of the McCurdy amendment, which was adopted by the House Intelligence Committee without dissent on 28 June.

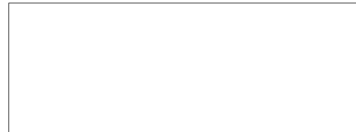
2. It is not too late for the Committee to reverse itself on the McCurdy amendment because it has not yet reported the Bill. Action on the Bill will not be completed until after the 4th of July recess. It is unlikely that the Committee can be persuaded to reverse its position; nevertheless, I recommend that you make an attempt to persuade the Committee that the McCurdy amendment is unwise. It is important that we appeal the initial Committee decision to demonstrate to the White House and the Department of Justice that we are serious in our opposition to the amendment.

3. I recommend that you should use the opportunity provided by your next meeting with Chairman Beilenson and Ranking Minority Member Hyde, now scheduled for 12 July, to indicate your strong opposition to the McCurdy amendment and to raise the issue of the Committee's failure to obtain your input before proceeding with major legislative initiatives of this kind. Attached at Tab B are talking points that you can use on the Inspector General report issue. We will supply talking points on our unhappiness with the Committee's procedures for handling the Bill shortly. We will also prepare letters to each individual Member of the Committee stating your opposition to the amendment.

4. Beyond indicating opposition to the amendment, consideration should be given to possible alternative steps to satisfy the Committee's request for information

from the Inspector General, still protecting the confidentiality of Inspector General reports. We have some thoughts.

5. I suggest we meet after the 4th with Bill Donnelly and Russ Bruemmer to discuss what our long range strategy should be to deal with the McCurdy amendment, given that we are unlikely to persuade the House Intelligence Committee to withdraw from its position.



E. Norbert Garrett

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Attachments

DCI Decision:

_____ Concur with initial steps to oppose
- McCurdy amendment.

_____ Do not attempt at this time to persuade
Committee to reverse its position.

OCA/LEG, [] (30 June 1989)

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Amendment Offered by Mr. McCurdy

At the appropriate place in the bill, insert the following:

"CIA INSPECTOR GENERAL REPORTS

"SEC. _____. Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by deleting the first period in subsection (c) and inserting in lieu thereof 'and listing the title or subject of each inspection, investigation or audit conducted during the reporting period.', and by adding at the end thereof the following new subsection:

'(f) Pursuant to section 501(a)(2) of the National Security Act of 1947, the Director of Central Intelligence shall provide to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives any report of an inspection, investigation, or audit conducted by the Office of Inspector General which has been requested by either committee.'"

Reasons for Opposing McCurdy Amendment

- There is no reason to legislate a requirement to provide mandatory access to Inspector General reports. We have worked out a reasonable procedure for oversight of the inspection process. The purpose of Committee access to inspection reports was to evaluate the process by which the Inspector General conducts investigations; not the substantive information itself.
- The quality of inspections, which rely heavily upon confidential interviews, will be severely and adversely affected if subjected to this form of dissemination outside the Agency. The relevant substance of these reports can be covered by appropriate Inspector General summaries and by briefings and testimony by the DCI and other officials when appropriate.
- Inspection reports are a management tool that I use to improve the efficiency and effectiveness of CIA operations. As Director, I am held accountable for the management of the Agency. I would hope that the Committee would have sufficient confidence in my capability to let me perform my duties without reviewing every recommendation made to me, or my subsequent decision.
- Mandating that the Agency provide Inspector General reports to the Intelligence Committees imposes legislative rigidity in a sensitive area where trust and flexibility are vitally important. Such an approach should be considered only after all other reasonable alternatives to satisfy legitimate Congressional interest in the quality of the inspection process have been thoroughly explored.